

(Regulations of the Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations.)

§ 18942. Exceptions to Gift and Exceptions to Gift Limits.

(a) For purposes of Government Code section 82028, none of the following is a gift and none is subject to any limitation on gifts:

(1) Informational material as defined by 2 Cal. Code Regs. section 18942.1.

(2) Except for passes and tickets as provided in 2 Cal. Code of Regs. section 18946.1, a gift that is not used and that, within 30 days after receipt, is returned or donated pursuant to 2 Cal. Code of Regs. section 18943, or for which reimbursement is paid pursuant to said 2 Cal. Code of Regs. section 18943.

(3) A gift from an individual's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin or the spouse of any such person, unless the donor is acting as an agent or intermediary for any person not identified in this subdivision (a)(3).

(4) A campaign contribution required to be reported under the Government Code, title 9, chapter 4 (commencing with Government Code section 84100).

(5) Any devise or inheritance.

(6) A personalized plaque or trophy with an individual value of less than two hundred fifty dollars (\$ 250).

(7) Hospitality (including food, beverages, or occasional lodging) provided by an individual in his or her home when the individual or a member of the individual's family is present, to an official. (Note: See 2 Cal. Code Regs. section 18630 for the rule concerning "home hospitality" provided by a lobbyist.)

(8) Gifts exchanged between an individual who is required to file a statement of economic interests and another individual, other than a lobbyist, on holidays, birthdays, or similar occasions to the extent that the gifts exchanged are not substantially disproportionate in value. For purposes of this subdivision, and notwithstanding 2 Cal. Code Regs. section 18946.2(b), "gifts exchanged" includes food, beverages, entertainment, and nominal benefits provided at the occasion by the honoree or another individual, other than a lobbyist, hosting the event.

(9) Leave credits, including vacation, sick leave, or compensatory time off, donated to an official in accordance with a bona fide catastrophic or similar emergency leave program established by the official's employer and available to all employees in the same job classification or position. This shall not include donations of cash.

(10) Payments received under a government agency program or a program established by a bona fide charitable organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code designed to provide disaster relief or food, shelter, or similar assistance to qualified recipients if such payments are available to members of the public without regard to official status.

(11) Free admission, and refreshments and similar non-cash nominal benefits provided to a filer during the entire event at which the filer gives a speech, participates in a panel or seminar, or provides a similar service, and actual intrastate transportation and any necessary lodging and subsistence provided directly in connection with the speech, panel, seminar, or service, including but not limited to meals and beverages on the day of the activity. These items are not payments and need not be reported by any filer.

(12) The transportation, lodging, and subsistence specified by 2 Cal. Code Regs. section

18950.4.

(b) The following items, if they are otherwise gifts, are exempt from the limitations on gifts described in Government Code section 89503:

(1) Payments for transportation, lodging, and subsistence that are exempt from limits on gifts by Government Code section 89506 and 2 Cal. Code Regs. sections 18950, et seq.

(2) Wedding gifts.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 82028, 87100, 87103, 87207, 87302 and 89503, Government Code.

HISTORY

1. New section filed 1-12-94; operative 1-12-94 pursuant to Government Code section 11346.2(d) (Register 94, No. 2).
2. Change without regulatory effect relocating section filed 11-17-94 pursuant to section 100, title 1, California Code of Regulations (Register 94, No. 46).
3. Amendment of subsections (b)-(b)(2) and amendment of Note filed 10-23-96; operative 10-23-96 pursuant to Government Code section 11343.4(d) (Register 96, No. 43).
4. New subsections (a)(9) and (a)(10), subsection renumbering and amendment of subsection (b)(2) filed 4-15-98; operative 4-15-98 pursuant to 2CCR section 18312(e) (Register 98, No. 16).
5. Amendment filed 5-25-2006; operative 6-24-2006. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2006, No. 21).